

**To:** Neugeboren, Steven[Neugeboren.Steven@epa.gov]  
**Cc:** Schwab, Justin[schwab.justin@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Shapiro, Mike[Shapiro.Mike@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Shaw, Hanh[Shaw.Hanh@epa.gov]  
**From:** Stern, Allyn  
**Sent:** Sun 7/9/2017 4:27:15 PM  
**Subject:** Re: High priority: final review and signoff on the FRN proposing withdrawal of Proposed Determination related to Bristol Bay/Pebble Mine -- DUE NOON MONDAY

I'm still waiting to hear from Michelle. I'll check in with her in the morning to confirm.

Sent from my iPhone

On Jul 9, 2017, at 8:50 AM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:

I think these changes look fine but let's confirm with the team tomorrow that no one else would have any concerns.

Steven Neugeboren

Associate General Counsel

Water Law Office

Environmental Protection Agency

202-564-5488

**From:** Schwab, Justin  
**Sent:** Saturday, July 08, 2017 1:25 PM  
**To:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Stern, Allyn <Stern.Alyn@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Nalven,

Heidi <Nalven.Heidi@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Shaw, Hanh <Shaw.Hanh@epa.gov>

**Subject:** Re: High priority: final review and signoff on the FRN proposing withdrawal of Proposed Determination related to Bristol Bay/Pebble Mine -- DUE NOON MONDAY

I think that works, thank you.

Sent from my iPhone

On Jul 8, 2017, at 12:28 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I think that's a good point, Justin.

**Ex. 5 - Attorney Client - Deliberative Process**

## **Ex. 5 - Attorney Client - Deliberative Process**

Thanks, Kevin

<image1.PNG>

<image2.PNG>

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Jul 8, 2017, at 6:07 AM, Schwab, Justin <schwab.justin@epa.gov> wrote:

## **Ex. 5 - Attorney Client - Deliberative Process**

Sent from my iPhone

On Jul 7, 2017, at 11:23 PM, Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)> wrote:

This looks great to me. Thank you for incorporating all (or seemingly all) of my suggestions. David and Justin should be making their way back to DC and their fresh set of eyes on this may pick up on something I missed, but if not, I am fine with this moving forward. Thanks, Kevin

Kevin S. Minoli  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

On Jul 7, 2017, at 12:03 PM, Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)> wrote:

<image001.gif>

Folks --- attached is the latest version of the draft FRN to be signed by the Acting RA in R10 that proposes to withdraw the proposed determination under CWA 404(c) related to Bristol Bay and the Pebble Limited Partnership mine. Our settlement agreement with PLP requires that we "initiate a process to propose to withdraw" the proposed determination within 60 days, which is Tuesday July 11, so we expect Michele to sign this on Tuesday as the demonstration of our fulfillment of this part of the settlement agreement. I understand that tribal consultation letters will also be going out on or about the same time.

We have incorporated lots of comments from lots of folks on this notice and hope that there will be general agreement on this version. ☺ That having been said, if you have comments, please send them to me, with a copy to Ashley Palomaki and Heidi Nalven, by no later than NOON on Monday, and earlier if possible. We would like the go-ahead on this from the principals by Monday, so please let us know if you are comfortable with the notice by then.

Please let me know if you have questions.

Thanks, all.

Carrie

Caroline (Carrie) Wehling

Assistant General Counsel

Water Law Office

U.S. Environmental Protection Agency

Washington DC 20004

202-564-5492

[wehling.carrie@epa.gov](mailto:wehling.carrie@epa.gov)

<Draft FRN Announcing Public Comment Process on PD  
Withdrawal\_7.7.17CLEAN....docx>